

# Comhairle Chontae Atha Cliath Theas

**PR/1348/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0348      **Application Date:** 05-Sep-2022  
**Submission Type:** New Application      **Registration Date:** 05-Sep-2022

**Correspondence Name and Address:** Corbell Design Suite 1 Unit 17, Claregalway Corp Park, Claregalway, Co Galway

**Proposed Development:** Change of use of existing first floor exhibition space / office accommodation into gym / studio which compliments the existing gym usage onsite - granted under previous planning; all ancillary works and associated siteworks, within the curtilage of a Protected Structure.

**Location:** Stewarts Watertown Centre, Stewarts Hospital, Waterstown Avenue, Dublin 20, D20 A306

**Applicant Name:** Stewarts Care Limited

**Application Type:** Permission

(SW)

### **Description of Site and Surroundings**

Site Area: stated as 0.564

### **Site Description**

The subject site is a gym / office building located close to Waterstown Park. There are other leisure and community uses close to the proposed development.

### **Proposal**

**Change of use of existing first floor exhibition space / office accommodation into gym / studio** which compliments the existing gym usage onsite - granted under previous planning; all ancillary works and associated siteworks, within the curtilage of a Protected Structure.

### **Zoning**

The subject site is subject to zoning objective RES – *'To protect and/or improve residential amenity'*.

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### **Consultations**

Water Services – no objection, subject to conditions.

Roads – No objections.

Irish Water - no objection, subject to conditions.

Parks – no report received at time of writing.

### **SEA Sensitivity Screening –**

It is noted that the Site Notice states that the proposal is within 'the curtilage of a Protected Structure, Stewarts Hospital'. It is noted that the site to which this application relates is some distance from both Stewarts Hospital Protected Structures, namely, RPS 078 Mill Lane, Palmerstown (Stewarts Hospital) 'Detached Three-Bay Two-Storey Red Brick House Former Superintendents House', and RPS086 Palmerstown House, Stewarts Hospital, Palmerstown, Stewarts Hospital, Palmerstown Detached Multiple-Bay Four Storey Former Country House "Stewarts"

The closest Protected Structure to the application site is RPS 421 Palmerstown House Public House, Main Street

There are a number of designations adjacent to the site boundary, to the north:

- Liffey Valley SAAO
- Zoning HA-LV

CDP Maps indicate the site is located within an area identified for 'bird hazards' for aviation, as well as outer horizontal surface (Casement and Dublin). Site is within 'approach surfaces' and 'take off climb surfaces' (Casement).

### **Submissions/Observations /Representations**

None.

### **Relevant Planning History**

#### *Subject site*

SD14A/0119 Retention of single storey extensions to 14 no. residential centres for people with intellectual disabilities as follows: Bungalow 2 - 39sq.m. extension comprising ensuite bedroom; Bungalow 4 - 28sq.m. extension comprising ensuite bedrooms; Bungalow 6 - 28sq.m. extension comprising sitting room; Bungalow 8 - 35sq.m. extension comprising sun room; Bungalow 10 - 31sq.m. extension comprising sun room; Bungalow 11 - 31sq.m. extension comprising sun room; Bungalow 12 - 39sq.m. extension comprising sun room; Bungalow 13 - 39sq.m. extension comprising sun room; House 17 - 38sq.m. extension comprising sun room & WC; Bungalow 18 - 39sq.m. extension comprising sun room; Bungalow 20 - 39sq.m. extension comprising sun

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room; Bungalow 22 - 34sq.m. extension comprising sun room; Bungalow 23 - 21sq.m. extension comprising sitting room; House 24 - 36sq.m. extension comprising sun room & WC.

Decision: Grant retention permission

SD08A/0625 Demolition of part of existing sports centre (180sqm) and construction of a new two storey entrance hall, with an intermediate part mezzanine, including new entrance hall, new accommodation stairs and lift and new WCs, the development also comprises the construction of a single storey exhibition space over the existing sports centre (swimming pool) accessed from the new entrance hall and including new exhibition area, new storage space, new fire escape stairs and new windows to existing swimming pool to a total area of 1,077 square metres with associated landscaping and site works. A terrace and a winter garden are provided at the uppermost level of the proposed development to a total area of 97 square metres. The development is within the curtilage of a Protected Structure, Stewarts Hospital.

Decision: Grant permission, subject to conditions.

SD03A/0855 Partial demolition / renovation of existing sports centre and construction of (1) new front entrance, (2) new rear entrance and hydrotherapy area, (3) new juice bar / viewing gallery and (4) new roof access. Development comprises 255m.sq. of new accommodation and associated landscaping and site works. The development is within the curtilage of the protected structure, Stewarts Hospital.

Decision: Grant retention permission

SD03A/0082 Partial demolition of existing gymnasium and the construction of offices over with a maximum height of 2 stories, comprising of new office accommodation, new glazed entry and new fire escape stairs totalling 636.24m.sq. with associated landscaping and site works. The development is within the curtilage of the protected structure, Stewarts Hospital.

Decision: Grant retention permission

SD02A/0682 Temporary classroom accommodation.

Decision: Grant permission, subject to conditions

#### Adjacent sites

None.

#### Relevant Enforcement History

None recorded for subject site according to APAS.

#### Pre-Planning Consultation

None recorded for subject site according to APAS.

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### **Relevant Policy in South Dublin County Council Development Plan 2022-2028**

Policy NCBH2: Biodiversity

Protect, conserve, and enhance the County's biodiversity and ecological connectivity having regard to national and EU legislation and Strategies.

Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas

Policy NCBH7: Liffey River Valley and Special Amenity Area Order

Protect and enhance the special amenity value of the Liffey Valley, including its landscape, visual, recreational, ecological, geological, and built heritage value, as a key element of the County's Green Infrastructure network and implement the provisions of the Liffey Valley Special Amenity Area Order (SAAO).

#### 3.5.2 Protected Structures

Policy NCBH19: Protected Structures Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.

Policy NCBH22: Features of Interest Secure the identification, protection and conservation of historic items and features of interest throughout the County including street furniture, surface finishes, roadside installations, items of industrial heritage and other stand-alone features of interest.

#### 4.3.1 Components of the GI Network

Strategic Corridor 4: Liffey Valley Corridor

Policy QDP1: Successful and Sustainable Neighbourhoods

5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Policy QDP3: Neighbourhood Context

Policy QDP4: Healthy Placemaking

Policy QDP5: Connected Neighbourhoods

Policy QDP6: Public Realm

*Policy QDP7: High Quality Design – Development General* Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

*Policy QDP11: Materials, Colours and Textures* Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

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### *Policy GII: Overarching*

*GII Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.*

### *Policy E3: Energy Performance in Existing and New Buildings*

### *Policy SM7: Car Parking and EV Charging*

*Policy IE1: Overarching Policy Ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.*

### *Policy IE2: Water Supply and Wastewater*

### *Policy IE3: Surface Water and Groundwater*

### *Policy IE4: Flood Risk*

### *Policy IE7: Waste Management*

### *Policy IE8: Environmental Quality*

#### *12.3.1 Appropriate Assessment*

#### *12.3.2 Ecological Protection*

#### *12.3.3 Environmental Impact Assessment*

#### *12.3.7 Protected Structures*

##### *(i) General*

Works that would materially affect the character of a Protected Structure require planning permission. A Section 57 Declaration can be sought from the Planning Authority to list the type of works that would not affect the character of a Protected Structure and that do not require planning permission.

##### *(ii) Works to a Protected Structure*

##### *(iii) Change of Use*

##### *(iv) Development in Proximity to a Protected Structure*

Planning applications for development in proximity to a Protected Structure may require a Design Statement to outline how the proposal responds to the setting and special interest of the Protected Structure and its curtilage. Pastiche designs that confuse new features / structures with older and original features / structures should be avoided

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*12.3.9 Vernacular and Historic / Older Buildings, Estates and Streetscapes*

*12.3.10 Thermal Upgrading and Energy Efficiency in Historic and Traditional Buildings*

*12.4.1 Green Infrastructure Definition and Spatial Framework*

*12.4.2 Green Infrastructure and Development Management* All planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission.

Green Space Factor (GSF)

12.4.3 Riparian Corridors (not within a corridor)

### 12.5 Quality Design and Healthy Placemaking

12.7.4 Car Parking Standards

Table 12.26: Maximum Parking Rates (Residential Development)

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.7.6 Car Parking Design and Layout

12.11.1 Water Management

### **Relevant Government Guidelines**

*Project Ireland 2040 National Planning Framework*, Government of Ireland, 2018.

*Regional, Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, 2019.*

*Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities*, Department of the Environment, Heritage and Local Government (2008).

*Quality Housing for Sustainable Communities-Best Practice Guidelines*, Department of the Environment, Heritage and Local Government, (2007).

*Urban Design Manual; A Best Practice Guide*, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

*Design Manual for Urban Roads and Streets* Department of the Environment, Community and Local Government *and Department of Transport, Tourism and Sport (2013).*

*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*, Department of the Environment, Heritage and Local Government, (2009).

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*The Planning System and Flood Risk Management - Guidelines for Planning Authorities*, Department of the Environment, Heritage and Local Government & OPW, (2009).

*Architectural Heritage Protection – Guidelines for Planning Authorities*, Department of Arts, Heritage, and the Gaeltacht (2011)

### Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Architectural Conservation;
- Visual and Residential Amenity;
- Services and Drainage;
- Environmental Impact Assessment; and
- Appropriate Assessment.

### *Zoning and Council Policy*

The proposed development is consistent in principle with zoning objective RES – ‘To protect and/or improve residential amenity’. Recreational Facility and Sports Club / Facility are both ‘open for consideration’ within the zoning objective. The proposal is considered acceptable in principle, given the existing leisure uses on the site.

### Council Policy

In accordance with 5.2.1 The Delivery of Sustainable Neighbourhoods ‘The Plan Approach’, the eight key principles apply on all zoned development lands within the County and to a multitude of development types and land uses. The proposal is, therefore, considered against these principles:

*Context:* Consider existing natural, cultural and built heritage features and green infrastructure elements as well as social, economic and environmental factors that impact on an area. ***The proposal would be for change of use and would not impact natural or built heritage. No external works are proposed.***

*Healthy Placemaking:* Promote good urban design, which seeks to create public spaces that are vibrant, distinctive, safe and accessible and which promote and facilitate social interaction. ***The proposal would have no significant impact on this feature.***

*Connected neighbourhoods:* Promote public transport and other transport facilities that mitigate dependence on cars, promote safe walking and cycling, while assisting with internal movements within neighbourhoods. ***The proposal would have no significant impact on this feature.***

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*Thriving Economy:* Ease of access to and availability of good jobs and a good quality of life for the community at large. ***The proposal would have no significant impact on this feature.***

*Inclusive and accessible:* High quality services, community infrastructure and open spaces accessible to all. ***The proposal would have no significant impact on this feature.***

*Public Realm:* A real sense of place, positive purpose and local distinctiveness, where buildings are not only attractive but also safe and useful with lots of green and open spaces for people to spend time, relax and play. ***The proposal would remove a modern addition to a protected building and would therefore have the potential to enhance the public realm***

*Built Form and Mix:* Promotes a mix of uses with appropriate increases in density and building heights in the right locations maximising the existing transport network and existing infrastructure. ***The proposal would have no impact on this feature***

*Design and materials:* High quality design, materials and finishes and good quality landscaping with robust maintenance protocols for all large residential, commercial and employment developments. ***The proposal would involve change of use. No external works proposed.***

### ***Architectural Conservation***

The proposal would not impact the external of the building. The building itself is not a protected structure. It is not located in the immediate vicinity of the Stuarts Hospital Protected Structures. The Planning Authority are of the opinion that there will be no impact on Architectural Conservation features.

### ***Visual and Residential Amenity***

As set out in the report above, the subject site occupied by an existing gym operation, which the proposed development would operate in conjunction with. It is considered that there is currently a level of noise and disturbance associated with existing operation, which the development would not exacerbate. It is therefore considered unlikely that the use would unreasonably impact on residential amenity. Accordingly, subject to the imposition of suitable conditions, relating to noise it is not considered that the subject use would impact the neighbouring residential properties.

### ***Services and Drainage***

There are no objections, subject to conditions.

### ***Green Infrastructure and Landscaping***

The site is in a sensitive location, within a Strategic Green Infrastructure Corridor and adjacent to the Liffey Valley SAAO. However, it is noted that no external works are proposed and there would be no works to the roof. As such, it is not considered a GI plan is necessary in this



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instance. Due to the extent of the works, it is not likely to impact on protected species or biodiversity.

### ***Roads***

The Roads Department has stated “*The change of use of office space to gym. No alterations to the exterior are proposed, the car parking will remain the same, access and pedestrian routes are not being altered*”.

### ***Screening for Environmental Impact Assessment***

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### ***Screening for Appropriate Assessment***

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

### **Development Contributions**

Change of use: 494.6sq.m

Applicant is registered charity.

Assessable area = nil

### **SEA monitoring**

Building Use Type Proposed: alterations to boundary treatment

Floor Area: 494.6sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.564 Hectares.

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### **Conclusion**

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that the proposed development would be in compliance with Council policy and would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Irish Water Connection Agreement.  
Where relevant, prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.  
REASON: In the interest of public health and to ensure adequate water/wastewater facilities.
3. Drainage - Irish Water.  
(a) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

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(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

### 4. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

### 5. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of

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noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

6. Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

**REASON:** In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

**NOTE:** The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

**NOTE:** The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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**REG. REF. SD22A/0348**

**LOCATION: Stewarts Watertown Centre, Stewarts Hospital, Waterstown Avenue,  
Dublin 20, D20 A306**

  
**Colm Harte,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 26/10/22

  
**Gormla O'Corrain, Senior Planner**